REMARKS/ARGUMENTS

In the claims, Claims 1-12 and 14-33 are pending in the above-referenced application.

Claims 28 and 29 are currently amended.

Claims 1-12, 14-24 and 28-33 were rejected by the Examiner under 35 U.S.C. §103(a) as

5   being unpatentable over <u>Dedrick</u> (U.S. Patent No. 5,724,521), and further in view of <u>Angles et al.</u>

'592 (U.S. Patent No. 6,385,592) and <u>Kurtzman II et al.</u> (U.S. Patent No. 6,144,944).

Claims 1-12 and 14-33 were rejected under 35 U.S.C. §103(a) in view of <u>Dedrick</u> in

further view of <u>Angles et al. '811</u> (U.S. Patent No. 5,933,811) and <u>Kurtzman II et al.</u>.

The Applicants traverse the above rejections and offer the following arguments.

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Regarding Claim 1:

Claim 1 recites:

1. (Previously presented) A method of providing an electronic marketing presentation,
*   comprising:*
15   *renting out a marketing object container to a first party, wherein the marketing object*
*   container is configured to be presented in a web page associated with a second*
*   party;*
*   selecting, by the first party, a marketing attribute configured to describe what marketing*
*   objects can be received by the marketing object container; and*
20   *sending the selected marketing attribute to be automatically associated with the*
*   marketing object container.*

It is the position of the Applicants that Claim 1 is directed toward a marketing object

container having associated marketing attributes that determine which advertisements can be

25   placed in the marketing object container. Thus, the marketing attributes are limits on marketing

object containers and may be associated with a marketing object container prior to introducing an

advertisement into the marketing object container. The use of marketing object containers with

associated marketing attributes adds an aspect of presenting advertisement that goes beyond

filtering based on user characteristics, or impression limits, or some other characteristic independent of the container. The use of marketing object containers with associated marketing attributes is, therefore, not found in the prior art. In contrast the art cited by the Examiner teaches selecting advertisements outside of the context of a marketing object container. In these

5   teachings, various characteristics are used for selecting advertisements but these characteristics are not attributes of a marketing object container.

It is the position of the Applicants that, even in combination, the cited art does not teach a marketing attribute configured to describe what marketing objects can be received by a marketing object container. While the cited art teaches characteristics used for selecting an

10   advertisement, these characteristics do not describe what advertisements can be received by a particular marketing object container. The characteristics of the cited art are independent of any particular marketing object container. Therefore, the advertisement selection process of the cited art is also independent of any particular marketing object container.

Further, it is the position of the Applicants that, even in combination, the cited art does

15   not teach automatic association of the marketing attribute with the marketing object container.

In the current rejection of Claim 1 (pages 6 – 10 of the current office action) the Examiner states "Dedrick Teaches ... renting out a marketing object container to a first party, wherein the marketing object container is configured to be presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers'

20   advertisements to users over the system for a fee." The Applicants traverse this statement. Specifically, while Dedrick teaches "a graphic user interface (GUI), that allows the end user to participate in the system," (col. 3 lines 29-31), there is not specific teaching of a web page. Even if one were to assume for the sake of argument that the above text implied a web page this

implication would not lead to *"renting out a marketing object container to a first party, wherein the marketing object container is configured to be presented in a web page associated with a second party,"* as recited in Claim 1. There, therefore, appears to be no teaching of a marketing object container.

5   In the current rejection of Claim 1 (pages 6 – 10 of the current office action) the Examiner further states "Dedrick Teaches ... selecting, by the first party, a marketing attribute (Abstract; col. 4 line 16 – col. 5 line 53; col. 16 lines 51-58) in the context of associating the chosen attributes with the identified advertisements and allowing particular end user to view the marketing object" (page 7 of the current office action). However, the Applicants respectfully

10   point out that the limitation of Claim 1 that introduces the marketing attribute recites *"selecting, by the first party, a marketing attribute configured to describe what marketing objects can be received by the marketing object container."* The second part of this claim element, *"configured to describe what marketing objects can be received by the marketing object container"* is not included in the analysis presented by the Examiner. The text cited by the Examiner merely

15   teaches choosing an attribute for association with an advertisement, not that the chosen attribute is associated with a *"marketing object container"* or *"configured to describe what marketing objects can be received by the marketing object container."*

On pages 7 and 8 of the current office action, the Examiner describes further teachings of Dedrick. However, it is not clear to the Applicants which of these features the Examiner

20   believes teaches a marketing object container, a *"marketing attribute configured to describe what marketing objects can be received by the marketing object container,"* or the *"marketing attribute to be automatically associated with the marketing object container."* On page 7 of the current office action, the Examiner discusses "an index database, a user profile database, and a

consumer scale matching process." Assuming for the sake of argument that these teach a marketing attribute, they do not appear to be associated with a marketing object container. The "index database provides storage space for titles for electronic advertisements." These titles are associated with advertisements not marketing object containers. The user profile database

5   "provides storage for a set of characteristics which correspond to individual end users...," and is thus not a marketing object container. The "consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end user with a consumer scale associated with the electronic advertisement." Again, these are associations with end users and advertisements, and, therefore, the Applicants find no teaching of

10   an association with a marketing object container.

On page 8 of the current office action the Examiner refers to software tools provided to publisher/advertiser 18 and states "Therefore, Dedrick teaches functionality that encompasses automatically associating characteristics (or attributes) with a marketing container." However, it appears that the software tools in Dedrick are used to generate and send characteristics of an

15   advertisement, not attributes to be associated with a marketing object container. There does not appear to be any reference to attributes to be associated with a marketing object container as recited in Claim 1, in the Dedrick teachings related to the software tools.

On page 9 of the current office action the Examiner cites col. 6 lines 32-45 of Angles[1] and states "Angles et al. teaches that the use of HTML provides the functionality and utility for

20   automatically performing desired functions, such as claimed by applicant." However, the functionality and utility taught in Angles '811 appear to be no more than conventional hyperlinks

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[1] The Applicants note that these claims are rejected under both Angles '592 and Angles '811. Because the Examiner refers only to "Angles" in his comments and "col. 6 lines 32-45" includes different text in these two patents, this and many other citations in the current office action are ambiguous. Unless otherwise noted, the Applicants make the assumption that when referring to "Angles" the Examiner means to cite Angles '811. If this assumption is incorrect in any instances, the Examiner is requested to clarify the citation in his response.

to "other websites and other web documents." It is not clear to the Applicants how a standard hyperlink teaches "sending the selected marketing attribute" which is "configured to describe what marketing objects can be received by the marketing object container" "to be automatically associated with the marketing object container." Specifically, while a hyperlink may be used to associate two items, this association is typically manually performed. The Applicants are unable to find any teaching within Angles '811 for the automatic generation or use of hyperlinks to associate marketing attributes "configured to describe what marketing objects can be received by the marketing object container" and the marketing object container. It is the position of the Applicants that merely teaching hyperlinks does not teach the automatic association of Claim 1 even when combined with Dedrick.

Further, on page 9 of the current office action the Examiner states "[n]either Dedrick nor Angles et al. explicitly teach selecting, by the first party, a marketing attribute configured to describe what marketing object can be received by the marketing object container." It is the Applicants' position that, without teaching "selecting ... a marketing attribute...", it is impossible for Dedrick and Angles '811 to teach "automatic" association of a "selected attribute" as recited in Claim 1, because without teaching the "selecting" there is no "selected attribute" to be automatically associated.

A thread of multiple inferences is required to sustain the Examiner's position. A marketing object container must be inferred. The marketing attribute configured to describe what marketing objects can be received by the marketing object container must be inferred. Selection of the marketing attribute must be inferred. Sending of the selected marketing attribute must be inferred. Association of the selected marketing attribute with the marketing object container must be inferred. And, finally, it must be inferred that this association is automatic. It

is, therefore, the Applicants' position that at least the inference of automatic association does not

meet the standards of §103(a) because this inference depends on the extended chain of inferences

made before it. The Applicants' request that the Examiner provide specific support for each

inference in this extended chain, or allow Claim 1.

5   Further on page 9, the Examiner cites <u>Kurtzman, II et al.</u> as teaching the limitations of

Claim 1 that are admitted not to be taught by <u>Dedrick</u> and <u>Angles '811</u>. Specifically the

Examiner admits "Neither Dedrick nor Angles et al. explicitly teach selecting, by the first party ,

a marketing attribute configured to describe what marketing objects can be received by the

marketing object container." The Examiner then further states:

10   Kurtzman teaches: The affinity of an attribute to an object is determined by comparing
         the attribute to an affinity criterion associated with the object. For instance a user's
         demographic attribute would be compared to an advertisement's demographic criterion in
         order to measure the demographic affinity of a user to the advertisement (col. 4 lines 32-
         37), which encompasses applicants' claimed aspect;
15
However, the cited text concerns affinity of an attribute to an object. In this context the attribute

is the attribute of a user and the object is an advertisement not a marketing object container. The

cited text does not concern a *"marketing object container"* or *"a marketing attribute configured*

to describe what marketing objects can be received by the marketing object container," as

20   recited in Claim 1. Further, the attribute discussed in the cited text is an attribute of a user not an

attribute of a "marketing object container" as recited in Claim 1. The Applicants believe that the

combination of <u>Kurtzman, II et al.</u>, <u>Dedrick</u> and <u>Angles '811</u>, therefore, do not encompass the

limitations of Claim 1 as suggested by the Examiner.

On page 10 of the current office action the Examiner cites col. 4 lines 1-4 of <u>Kurtzman, II</u>

25   <u>et al.</u> which state "…The ad server 100 also allows ad selection to be constrained by

characteristics external to the individual, such as ad impression limits and advertisement

priorities based on revenue optimization." The Examiner states that this "teaches away from restricting ad selection (i.e., marketing attribute selection) to characteristics or parameters associated only with an individual." The Applicants wish to point out that teaching away from restricting ad selection to characteristics... associated only with an individual is not equivalent to

5   teaching attributes associated with a marketing object container. For example, the specific examples included in Kurtzman, II et al. (ad impression limits and revenue optimization priorities) are easily attributes related to advertisements or goods advertised. By teaching toward attributes that are associated with an advertisement or goods advertised, these examples teach away from attributes that are associated with a marketing object container. It is the Applicants

10   position that, rather than providing motivation to combine Kurtzman, II et al. with Dedrick and Angles '811, the cited text teaches away from this combination.

Further on page 10, the Examiner concludes his comments regarding Claim 1 by stating

[I]t would have been obvious ...to modify the teachings of Dedrick and Angles et al. to explicitly select ... a marketing attribute configured to describe what marketing objects
15   can be received by the marketing object container, as taught by Kurtzman, for the motivation of providing an electronic marketing presentation that matches predetermined attributes or characteristics used to determine advertisements to be presented to potential customers to encourage their purchasing activities.

20   As pointed out above, it is the position of the Applicants that Kurtzman, II et al. does not teach "a marketing attribute configured to describe what marketing objects can be received by the marketing object container" and that, therefore, the combination suggested by the Examiner is not possible. Further, as noted above the Applicants believe that the text cited on page 10 of the current office action to support this combination (Kurtzman, II et al. col. 4 lines 1-4) teaches

25   away from rather than toward the combination. The Examiner is using a general teaching within Kurtzman, II et al. that "ad selection [may be] constrained by characteristics external to the individual" and implying that this teaches a marketing attribute that is associated with a

marketing object container and that the marketing attribute is configured to describe what

marketing objects can be received by the marketing object container. This position ignores the

examples provided in Kurtzman, II et al. col. 4 lines 1-4 which teach that characteristics external

to the individual are characteristics of an advertisement or goods offered through the

5   advertisement, thus teaching away from the position of the Examiner.

In response to arguments made by the Applicants at pg. 10-16 of the Dec. 30, 2003

response, the Examiner states:

Kurtzman teaches (col. 4 lines 1-4) The *ad server 100 also allows ad selection to be*
10   *constrained by characteristics external to the individual, such as ad impression limits*
and advertisement priorities based on revenue optimization. This teaching
encompasses applicants claimed aspect of *a marketing attribute configured to describe*
what marketing objects can be received by the marketing object container, through the
mechanisms of *ad impression limits and advertisement priorities based on revenue*
15   *optimization.*

The Applicants traverse this statement. The text cited by the Examiner (Kurtzman, II et

al. col. 4 lines 1-4) may teach factors that "[allow] ad selection to be constrained by

characteristics external to the individual, such as ad impression limits and advertisement

20   priorities based on revenue optimization." However, as pointed out above on page 16 of this

response, these factors do not teach a *"selected marketing attribute ... automatically associated*

with the marketing object container" as recited in Claim 1. The Applicants are unable to find

any teaching within Kurtzman, II et al. that suggests that characteristics external to an individual

are associated with a marketing object container. The Applicants therefore respectfully request

25   that the Examiner specifically point out teaching that a characteristic external to an individual is

a *"marketing attribute ... associated with the marketing object container."*

Further, the text cited within <u>Kurtzman, II et al.</u> includes two examples that are relied on by the Examiner. It is the Applicants' position that these examples teach away from the Examiner's interpretation of the cited text.

The first example is "ad impression limits." The Applicants are unable to find any indication within <u>Kurtzman, II et al.</u> that these ad impression limits are associated with a marketing object container. To the contrary, it can be assumed that ad impression limits are associated with one or more advertisements rather than a marketing object container. For example, if an advertiser has paid for 100,000 impressions of an advertisement then the ad impression limit of 100,000 is associated with the advertisement. By teaching an example of a characteristic external to an individual that is associated with an advertisement, <u>Kurtzman, II et al.</u> teaches away from an interpretation that these characteristics would be a *"marketing attribute ... associated with the marketing object container."*

The second example relied upon by the Examiner is "priorities based on revenue optimization." Again, Applicants are unable to find any indication within <u>Kurtzman, II et al.</u> that these priorities are associated with a marketing object container. To the contrary, it is the Applicants position that the cited text (col. 4 lines 1-4 of <u>Kurtzman, II et al.</u>) teach that these characteristics are to be associated with one or more advertisements or with items being sold through these advertisements, for the purpose of the "revenue optimization" stated by <u>Kurtzman, II et al.</u> at col. 4 line 4. For example, at col. 5 lines 11-14 of <u>Kurtzman, II et al.</u> it is taught that "[t]he inventory control engine allows for the selection between any given set of advertisements, the one that will provide the greatest amount of revenue..." . Thus, col. 4 lines 1-4 of <u>Kurtzman, II et al.</u> teaches away from the position held by the Examiner when viewed in context with other teachings of <u>Kurtzman, II et al.</u>

Because the text cited within Kurtzman, II et al. does not appear to include any indication that the two examples of characteristics external to a user, as cited by the Examiner, are associated with a marketing object container, and because there are other features of Kurtzman's system with which they are more likely to be associated, it cannot be said that the cited text teaches a *"marketing attribute ... associated with the marketing object container"* as recited in Claim 1. Furthermore, because the examples provided are characteristics that would normally be associated with things other than a marketing object container, these examples teach away from the interpretation suggested by the Examiner that these characteristics teach a *"marketing attribute ... associated with the marketing object container."*

In response to arguments made by the Applicants at pg. 13-14 of the Dec. 30, 2003 response, the Examiner states:

> Kurtzman teaches (col. 4 lines 1-4) *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization.* This teaching encompasses applicants claimed aspect of *a marketing attribute configured to describe what marketing objects can be received by the marketing object container.* Additionally, Kurtzman teaches the aspects of marketing object containers and their operation in col. 3 line 16 – col. 5 line 15 and col. 15 lines 40-62. Therefore, examiner maintains the rejection.

Applicants traverse this statement. The marketing attribute of Claim 1 is both associated with a marketing object container and configured to describe an aspect of the marketing object container. For at least these reasons the claimed marketing attributes is distinguished from the attributes of Kurtzman, II et al. Despite reviewing the additional text cited by the Examiner in the current office action, the Applicants are still unable to identify any teaching within the cited art that the characteristics taught to constrain ad selection in Kurtzman, II et al. at co. 4 lines 1-4 are associated with a marketing object container as recited in Claim 1. As discussed above, a

teaching that "allows ad selection to be constrained by characteristics external to the individual,

... " (Kurtzman, II et al. col. 4 lines 1-4) cannot be said to teach marketing attributes "*associated*

with the marketing object container" as recited in Claim 1, without further support. Thus, the

teachings of a characteristic "external to the individual" does not imply that it is a characteristic

5   of a marketing object container. It is, therefore, the Applicants' position that these teachings of

Kurtzman, II et al. col. 4 lines 1-4 do not include the marketing attributes recited in Claim 1.

The Examiner refers Applicants to col. 3 line 16 – col. 5 line 15, and col. 15 lines 40-62

for further teachings of "aspects of marketing object containers and their operation..." However,

the Applicant is unable to identify any teaching within the cited text that includes a marketing

10   object container having an associated marketing attribute that "*describe[s] what marketing*

objects can be received by the marketing object container" and are "*associated with the*

marketing object container."

Applicants maintain that "There are no attributes in Kurtzman, II et al. taught to

characterize specific marketing object containers, much less the claimed marketing attribute

15   "*configured to describe what marketing objects can be received by the marketing object*

container." (Response to office action filed 12/30/03 page 14.) Those characteristics of

Kurtzman, II et al. pointed out by the Examiner *may* be configured to determine which

advertisements are placed in a web page presented to a user but they are not "*associated with the*

marketing object container" as recited in Claim 1. Applicants therefore request that the

20   Examiner allow Claim 1.

In the previous response Applicants argued at pg. 14

[T]he marketing attribute of Claim 1 is configured to describe an aspect of a marketing
object container. There are no attributes in Kurtzman, II et al. taught to characterize

specific marketing object containers, much less the claimed marketing attribute *"configured to describe what marketing objects can be received by the marketing object container."* The Applicants respectfully request that the Examiner specifically identify where these teachings occur in <u>Kurtzman, II et al.</u> or allow Claim 1.

In response to these arguments, the Examiner repeats the statement above:

Kurtzman teaches (col. 4 lines 1-4) *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization.* This teaching encompasses applicants claimed aspect of *a marketing attribute configured to describe what marketing objects can be received by the marketing object container.* Additionally, Kurtzman teaches the aspects of marketing object containers and their operation in col. 3 line 16 – col. 5 line 15 and col. 15 lines 40-62. Therefore, examiner maintains the rejection.

The Applicants traverse this statement for the reasons discussed above. Applicants are

unable to find within the cited text any basis for the assumption apparently made by the

Examiner that *"a characteristic external to the individual"* is a marketing attribute characterizing

a specific marketing object container.

In response to Applicants' arguments concerning the motivation requirement of a prima

facie case for rejection under 35 U.S.C, at page 14-15 of the previous response, the Examiner

has revised the rejection and further states "[a]dditionally, the prior art identified in this Action

is compatible prior art in the patent classification system. It has been classified in similar areas

in the prior art and pertains to related fields of the art."

The Applicants are unaware of any basis for using the patent classification system as a

motivation to combine. A few cases have considered the effect of a patent's classification on the

issue of whether the patent is relevant prior art. In *In re* Mlot-Fijalkowski (1982)[2], the court

characterized classification evidence as of "limited value" for the purpose of identifying relevant

prior art. "Such evidence is inherently weak ... because considerations in forming a

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[2] *In re* Mlot-Fijalkowski, 676 F.2d 666, 213 USPQ 713 (CCPA 1982).

classification system differ from those relating to a person of ordinary skill seeking solution for a particular problem."[3] The use of the classification system considered by the court was merely for determining relevant art and not for establishing a motivation to combine. It appears to the Applicants that inherently weak evidence for determining if a particular piece of art is relevant

5   would be even weaker evidence to the determining motivation to combine, because the motivation to combine involves a considerably higher standard. Further, the motivation to combine must come from within the four corners of the cited references. It is the Applicants' position that placement in a classification scheme does not satisfy this requirement.

10   In the previous response Applicants requested, at pg. 14-15, that the Examiner specifically point out teachings of <u>Kurtzman, II et al.</u> that include a marketing attribute configured to describe what marketing objects can be received by the marketing object container and, also, distinctly point out motivation *within the cited art* for combining *these specific teachings* with the other cited references.

15   In the current office action the Examiner responds by stating

     Kurtzman does not use the specific term marketing object container. However, Kurtzman does use the terms affinity engine, control program, affinity, advertisements to carry out functions that provide the functionality of applicant's invention. The term affinity corresponds to applicants' term marketing attribute. The affinity engine
20   determines the affinities (degree of relevance or indicator of matching) that are associated with given advertisements, Additionally, an ad server 100, including the ad exec program 101, in combination with the affinity framework 110, provides a flexible and efficient system for selecting the best-fit advertisement to show a user at the client 175. In other embodiments, the ad server 100 can also be used in other types of
25   applications other than advertising. For example, the ad server 100 can be used for job banks and educational applications, where dynamically generated information is being displayed. The ad selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible advertisements. The ad server 100 also allows ad selection to be constrained by
30   characteristics external to the individual, such as ad impression limits and advertisement

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[3] 676 F.2d at 669 n.5, 213 USPQ at 715-16 n.5.

priorities based on revenue optimization. Additionally, Kurtzman teaches *TAffinityAttribute is the abstract base class for all engine-specific attribute data. The class serves to define common protocol for attributes data and as a type-check mechanism to for collecting disparate types of attribute information into a single container* (col. 15 lines 42-44), which teaches a container for attributes data. Therefore, examiner maintains the rejection.

Applicants traverse this statement. As recited in Claim 1, marketing object containers are rented out "to a first party" and "configured to be present in a web page associated with a second party." As characterized in the specification as filed, marketing object containers are something incorporated within a web page, into which a marketing object can be placed (Page 3, Paragraph 1). Marketing object containers are defined more specifically, according to some embodiments, on page 15 of the specification as filed, which recites

> A marketing object container, as referred to herein, includes a marketing location for receiving marketing objects to present to a user of an interactive medium, such as a networked device. These marketing object containers can be used by an authorized user, including a non-technical user such as marketing personnel, as reusable locations for objects to be presented, such as object that are part of a marketing presentation. ... A marketing object container may include program codes, such as HTML code, that identifies a location and size of the marketing object container on a display area, for example, a web page.

None of the teachings of Kurtzman, II et al. offered above by the examiner appear to fit within this characterization of a marketing object container. Specifically, it does not appear that the "affinity engine" or "control program" referred to above by the Examiner are presented in a web page. While Kurtzman, II et al. teaches advertisements, advertisements are marketing objects not marketing object containers. The term "affinity" as used in Kurtzman, II et al. is a measure of a relationship between a user and an advertisement. "Affinity" is thus not, as suggest by the Examiner, equivalent to the term "marketing attribute." The TAffinityAttribute cited by the examiner is a variable class type to hold (contain) data used by an affinity engine – clearly not a container in which an advertisement is place for presentation to a user.

Kurtzman, II et al. does teach inclusion of an advertisement in a web page (col. 5 lines 43-48). However, it is the Applicants position that there is a clear and significant distinction between an advertisement selection and characterization of a marketing object container configured to hold a marketing object. Applications are unable to identify any teaching within

5 Kurtzman, II et al. of a marketing object container incorporated within a web page, into which a marketing object (e.g., advertisement) can be included, and which fits the above characterization of a marketing object container and is characterized by a marketing attribute. Kurtzman, II et al. appears to be silent regarding a container for the advertisement within the page and to teach merely that advertisements are included within the page. However, assuming, purely for the

10 sake of argument, that the advertisements are included within an intermediate structure such as an HTML frame and that, again for the sake of argument, the frame could be considered a marketing object container, Kurtzman, II et al. does not teach marketing attributes that "*describe what marketing objects can be received by the marketing object container*" and are "*associated with the marketing object container.*" The Applicants' position is that without explicitly

15 discussing a marketing object container or the equivalent, it is not possible for Kurtzman, II et al. to teach association of marketing attributes with a marketing object container or use of marketing attributes to describe what can be received by the marketing object container. The Examiner's position requires both that a marketing object container be inferred from the teachings of Kurtzman, II et al. and that the above two features of a relationship between the inferred

20 container and marketing attributes also be taught. It is the Applicants position that neither of these requirements has been met.

For at least the above reasons the Applicants respectfully request that the Examiner allow Claim 1 and Claims 2-5 which depend therefrom.

Regarding Claims 2, 3 and 4:

Applicants believe that Claims 2, 3 and 4 are patentable for at least the same reasons as discussed with regard to Claim 1.

Regarding Claims 5 and 9:

Claim 5 recites:

5. The method of claim 1, further comprising renting out a second marketing object container to the first party, wherein the second marketing object container is presented in a second web page associated with a third party, and wherein the selected marketing attribute is automatically associated with the second marketing object container.

Claim 9 recites:

9. The method of claim 8, wherein associating the marketing attribute with the marketing object container also automatically associates the marketing attribute with the second marketing object container.

In the previous response Applicants requested that the Examiner more specifically point out which sections of Dedrick are thought by the Examiner to teach association that is automatic. Manual association, such as manually establishing an HTML link, is distinguished from the claimed association by use of the word "automatic." The Examiner responded by revising the rejection.

On pages 11-12 of the current office action the Examiner cites the Abstract of Dedrick. The Abstract discusses the use of an index database (which provides storage space for titles for electronic advertisements), a content database (advertisements) and a user profile database (user attributes) in a consumer scale matching process. Further, the abstract teaches charging fees and

transferring advertisements between servers. However, Applicants are not able to identify any teaching within the <u>Dedrick</u> Abstract of automatic association of a marketing attribute to a marketing object container. The only attributes that appear to be discussed in the <u>Dedrick</u> Abstract are user attributes and, as has already been discussed, user attributes are distinct from

5   marketing attributes associated with a marketing object container.

The Examiner also cites col. 4 lines 3-15 of <u>Dedrick</u>. This text discusses a software tool for creation of electronic information including content and advertisements, and use of HTML that routes users to content databases. The Applicants are not able to identify any teaching of automatic association of a marketing attribute to a marketing object container in this text. There

10   does not appear to be any teaching that the electronic information includes marketing attributes that are associated with marketing object containers. Further, as discussed above the mere use of a manually established HTML link does not teach automatic association.

The Examiner also cites col. 4 lines 37-48 of <u>Dedrick</u>. This text further discusses the software tool, including that it may create electronic information in a wide variety of

15   consumption formats. The examples given "include formats such as audio, video, graphics, animation, text, etc." None of these examples suggest that the electronic information includes automatic association of marketing attributes with a marketing object container. Based on the examples provided, the electronic information of <u>Dedrick</u> appears to be things that can be presented to a user, such as a graphic, audio clip or marketing object, as part of an advertisement,

20   and not a marketing attribute associated with a marketing object container. Thus, contrary to the Examiner's position, the examples provided teach away from an interpretation of "electronic information" that includes automatic association of marketing attributes with a marketing object container.

The Examiner cites the Abstract of Dedrick, which discusses a method and apparatus for providing electronic advertisements to an end user, an index database for titles of electronic advertisements, a database of user characteristics, a content database, a matching process operating on the content database and the user characteristics, and a fee charging system based

5   on a consumer scale. The Abstract also discusses servers (yellow page servers) to which advertisements are transferred and metering servers to which advertisement titles are transferred. The Applicants are unable to identify any teaching of automatic association of a marketing attribute with a marketing object container within this text.

The Examiner also cites col. 4 lines 37-40 of Dedrick. As pointed out above, this text

10   teaches a "publisher/advertiser 18 ... provided with software tools to create electronic information which includes content and advertisement that can be transmitted over the system." It is not clear to the Applicants how this text can be interpreted as teaching automatic association of a marketing attribute with a marketing object container. Particularly, since the examples of electronic information provided teach that the electronic information has features of a marketing

15   object and not a marketing attribute or a marketing object container.

At the bottom of page 14 of the current office action the Examiner states "electronic information ... includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15)." This statement supports the Applicants'

20   position that electronic information includes neither marketing attributes nor marketing object containers, much less an automatic association between the two. As stated above, the mere presence of HTML does not teach an automatic association. Further, the stated purpose of the HTML (hypertext oriented mark up language) is to route "distributed end users to the content

databases." This teaches away from the Examiner's suggested alternative uses such as automatically associating a marketing attribute with a marketing object container.

On page 15 of the current office action the Examiner cites col. 4 lines 37-48 of Dedrick. The Examiner is referred to arguments made above on pages 27-28 and again on pages 28-29, regarding this text.

In the middle of page 15 of the current office action the Examiner states:

> Therefore, Dedrick teaches functionality that encompasses automatically associating characteristics (or attributes) with marketing containers. Dedrick also provides the functionality for creating multiple advertisements (or, distributing one advertisement to multiple serves for presentation to multiple users), and does not limit the number of advertisements that advertisers may create and provide for presentment to users."

The Applicants traverse this statement. As discussed above the Applicants are unable to identify any of the teachings suggested by the Examiner with regard to automatic association of a marketing attribute to a marketing object container. Specifically, the Applicants are unable to identify any teaching of a marketing object container, much less automatic association of marketing attributes with marketing object containers within the cited text. The Applicants, therefore, again request that the Examiner more specifically point out how the cited art teaches automatic association of a marketing attribute with a marketing object container or allow Claims 5, 9, 15 and 16 which include this limitation.

The Examiner further cites col. 6 lines 32-45 of Angles '811 which teaches a use of HTML tags and states this teaching "encompasses applicant's claimed aspect of automatically associating characteristics (or attributes) with marketing containers." The Applicants traverse this statement. It is not clear to the Applicants which aspects of the cited text the Examiner believes corresponds to a marketing object container or a marketing attribute. Further, the Applicants are unable to identify any teaching of *"automatic"* association within the cited text.

For example, while <u>Angles '811</u> teaches "[d]uring document authoring stage, the HTML codes are embedded within the informational content of the document," the Applicants are unable to find any indication that this is an automatic process. Rather, since introduction of HTML codes occurs during the "authoring stage" is appears to be a manual process performed by an author.

5   On page 16 of the current office action the Examiner further states:

[t]he teaching of Angles et al. teaches that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the are at the time the invention was made to modify the teaching of Dedrick to teach the selected marketing object is
10   automatically associated with the second marketing object container...

The Applicants respectfully point out that the cited text teaches that HTML codes can be interpreted by a web browser to format display of a web document and to link to another document. To the extent that either of these functions are "automatic," their operation, function

15   and purpose is substantially different than the automatic operation recited in Claim 1. It is the Applicants' position that formatting of a web document in a browser does not teach automatic association of marketing attributes with a marketing object container. As made clear by sections of the specification cited above[4], a marketing object container as defined in the specification is not a itself web browser. Further, even if, for the sake of argument, one were to assume that

20   association of a marketing attribute could be inferred from the cited text, this inference is by no means obvious. It would therefore, be even less obvious to make both this inference and also the further step of using this teaching to modify <u>Dedrick</u> to include automatic association of the

---

[4] A marketing object container, as referred to herein, includes a marketing location for receiving marketing objects to present to a user of an interactive medium, such as a networked device. These marketing object containers can be used by an authorized user, including a non-technical user such as marketing personnel, as reusable locations for objects to be presented, such as object that are part of a marketing presentation. ... A marketing object container may include program codes, such as HTML code, that identifies a location and size of the marketing object container on a display area, for example, a web page. (Page 15 of the specification as filed.)

marketing attribute. It is the Applicants' position that this chain of inferences and assumptions

does not meet the threshold required for a rejection under §103(a).

Finally, as discussed above with regard to Claim 1, the Examiner states "[n]either

Dedrick nor Angles et al. explicitly teach selecting, by the first party, a marketing attribute

5   configured to describe what marketing object can be received by the marketing object container.

The Applicants respectfully point out that, without teaching selection of a "marketing attribute

... configured to describe what marketing object can be received by the marketing object

container," it is impossible for <u>Dedrick</u> and <u>Angles '811</u> to teach automatic association of this

"*selected attribute*" with a marketing object container as recited in Claims 5, 9, 15 and 16.

10   **Regarding Claim 6:**

Claim 6 recites:

> 6. *A method of providing an electronic marketing presentation, comprising:*
> *providing a marketing object container associated with a first party;*
> *associating the marketing object container with a website, wherein the website is*
15   *associated with a second party; and*
> *automatically associating a marketing attribute with the marketing object container.*

In the previous response Applicants requested, at pg. 16, that the Examiner more

specifically point out which sections of <u>Dedrick</u> are thought by the Examiner to teach association

that is automatic. The Applicants also pointed out that manual association, such as manually

20   establishing an HTML link, is distinguished from the claimed association by use of the word

"automatic." In response, the Examiner revised the rejection.

In the new rejection the Examiner states "[c]laim 6 is written as a method and contains

essentially the same limitations as claim 1; therefore, the same rejection is applied. The prior art

is not limited to the use or designation of only one website or party. Similar functionality is in

25   claim 6 as in claim 1."

The Applicants traverse this statement. Claim 6 includes the limitation *"associating the marketing object container with a website,"* which is not included in Claim 1. The Applicants are still unable to find teaching of a marketing object container, much less a marketing object container associated with a website in the cited art. The cited art appears to deal with

5   associations between users and advertisements, and advertisements and web pages, but does not teach association with a marketing object container. Therefore, the Applicants again respectfully ask the Examiner to specifically point out within the cited art teaching of association between *"marketing object containers"* and *"web sites,"* noting that marketing object containers and web sites are both distinct from advertisements, users, and web pages.

10

Regarding Claims 7 and 8:

The Applicants believe that Claims 7 and 8 are allowable for at least the reasons discussed above with regard to Claims 1 and 6.

15   **Regarding Claim 10:**

Claim 10 recites:

10. The method of claim 8, wherein selecting at least one marketing object for insertion in the marketing object container also automatically associates the at least one marketing object for insertion in the second marketing object container.

20

On page 17 of the current office action the Examiner states "Dedrick teaches selecting at least one marketing object for insertion in the marketing object container also associating the at least one marketing object for insertion in the second marketing object container (col. 2 lines 10-19)." However, the Applicants respectfully point out that Claim 10 recites a cause and effect

25   regarding *"selecting at least one marketing object."* Specifically, that making this selection results in an automatic association between the marketing object and a second marketing object

container. The text cited in <u>Dedrick</u> concerns generating a "consumer scale" for each of multiple

electronic advertisements, and transferring these advertisements to multiple yellow page servers.

Within the text, there does not appear to be discussion of multiple web pages, much less multiple

marketing object containers, much less a cause and effect relationship including automatically

5   associating "the at least one marketing object for insertion in the second marketing object

container," as recited in Claim 10. Even if <u>Dedrick</u> were to teach a plurality of marketing object

containers, this does not imply the cause and effect included in Claim 10. The Applicants are

unable to identify any such teaching in the prior art and again requests that Examiner specifically

point out such teaching or allow Claim 10.

10   **Regarding Claim 11:**

Claim 11 recites:

11. (Original) The method of claim 6, wherein the second party provides a service to a plurality
    of parties and at least some of the parties are unrelated, and the unrelated parties are
    only allowed access to their own marketing presentation.

15

    On page 17 of the current office action the Examiner states "Dedrick teaches the second

party provides a service to a plurality of parties and at least some of the parties are unrelated, and

the unrelated parties are only allowed access to their own marketing presentation (col. 7 lines 16-

49)." The Applicants have reviewed the cited text and understand it to apply to personal profiles

20   of individual users (e.g., end users). For example, col. 7 lines 37-39 of <u>Dedrick</u> state "the

information in personal profile database 27 is protected from access by anyone other than the

individual who is associated with the information." It is the Applicants' position that these end

users of <u>Dedrick</u> are not taught to have their *"own marketing presentation,"* because, in <u>Dedrick</u>

the end users are not owners, assignees or creators of marketing presentations. In contrast, the

25   *"parties"* recited in Claim 11 are *"allowed access to their own marketing presentation."* Thus,

the "*parties*" of Claim 11 are not the "end user" taught on col. 7 line 17 of Dedrick. The

Applicants, therefore, believe that the cited text does not teach the limitations of Claim 11, and

that Claim 11 should be allowed.

Regarding Claims 12 and 14:

It is the Applicants position that Claims 12 and 14 should be allowed for at least the same

reasons as Claim 6 from which they depend.

Regarding Claims 15 and 16:

Claim 15 recites:

15. A system of providing an electronic marketing presentation, comprising:
a processor configured to provide a marketing object container associated with a first party; the processor also being configured to facilitate associating the marketing object container with a website, wherein the website is associated with a second party; and facilitating automatically associating a marketing attribute with the marketing object container; and
a memory coupled with the processor, wherein the memory is configured to provide the processor with instructions.

Claim 16 recites:

16. A computer program product for providing an electronic marketing presentation, comprising:
computer code providing a marketing object container associated with a first party;
computer code associating the marketing object container with a website, wherein the website is associated with a second party;
computer code automatically associating a marketing attribute with the marketing object container; and
a computer readable medium that stores the computer codes.

The Examiner states "Claim 15 is written as a system and contains essentially the same

limitations as claim 1; therefore the same rejection is applied, and Claim 16 is written as a

computer program product and contains essentially the same limitations as claim 1; therefore the

same rejection is applied."

The Applicants respond by pointing out that the arguments made above with respect to Claims 5 and 9 also apply to Claims 15 and 16 to the extent that Claim 15 and 16 recite *"automatically associating a marketing attribute with the marketing object container."*

Further, Claims 15 and 16 recite *"associating the marketing object container with a*

5 *website"* which is a limitation not included in Claim 1. Association with a web site is distinct from association with a web page, in that a web site may include numerous web pages and thus the association may apply across more than one page. The Applicants are unable to find any teaching of association of a marketing object container with a web site in the cited art. The Applicants therefore request that the Examiner specifically point out such teaching or allow

10 Claim 15.

Regarding Claim 17:

The Applicants believe that Claim 17 is allowable for at least the same reasons as Claim 16 from which it depends.

Regarding Claims 18 and 19:

15 Claim 18 Recites:

18. The method of claim 1, wherein the marketing objects that can be received by the marketing object container include a marketing object of type ad banner.

Claim 19 Recites:

20 *19. The method of claim 1, wherein the marketing attribute is further configured to characterize the marketing object container as being configured to receive a marketing object having a cross sell feature.*

In response to Applicants' previous arguments, the Examiner has revised the rejection

25 of Claims 18-19. In the revised rejection, the Examiner cites col. 4 lines 37-41 of <u>Dedrick</u> and

col. 6 lines 32-45 of <u>Angles '592</u>[5]. The cited text teaches the publisher/advertiser 18 of

<u>Dedrick</u> which can "create electronic information in a wide variety of consumption formats that

can be transmitted over the system," and the HTML tags of <u>Angles '592</u>. The Examiner then

states:

5 These disclosures provide functionality that encompass the claimed aspects of the marketing
  objects that can be received by the marketing object container include a marketing object of
  type ad banner, and the marketing attribute is further configured to characterize the
  marketing object container as being configured to receive a marketing object having a cross
  sell feature.

10

   The Applicants traverse this statement. First, the Examiner's comments are focused on

what objects may be placed in the marketing object container. It is the Applicants' position that

the cited text in <u>Dedrick</u> includes a number of object types, none of which appear to suggest "*a*

cross sell feature" as recited in Claim 19. Further, the HTML links of Angles '592 represent no

15 more than an ability to lead a browser to another web page. The Applicants are unable to

identify any teaching within Angles '592 that suggests that these links constitute a cross sell

feature. An ability to point to another web page does not teach cross selling using a marketing

object. Examples of a cross sell feature are provided on pages 21 and 22, and Figs. 7b, 8 and 11

of the specification as filed. These examples include a feature table of associated offers and a

20 "relationship between a 'current item' and the featured item," (second paragraph pg. 21, and Fig.

8). The Applicants are unable to identify any suggestion of these features in the cited art.

Therefore, the Applicant's request that the Examiner specifically point out how the teachings of

Angles '592 teach as a cross sell feature of a marketing object container, or allow Claim 19.

   Second, the Examiner's focus on what object may be placed in the marketing object

25 container misses the point that the associated marketing attribute is configured to characterize

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[5] Applicants assume that the Examiner is citing Angles '592 in this instance because a similar citation was made in a
previous office action.

this restriction on the marketing object container. Claims 18 and 19 are not merely limitations

on what can be included in the marketing object container, they are also limitations on the

configuration and function of the marketing attribute. It is the Applicants' position that these

limitations of the marketing attribute are not taught in the cited text. Specifically, it is the

5   position of the Applicants that the publisher/advertiser 18 and associated software tools of

Dedrick do not imply such an attribute, regardless of the wide variety of object formats

mentioned. Also, the HTML links of Angles '592 teach no more than document formatting

within a browser and linking to other web documents. Thus, neither Dedrick nor Angles '592 (or

Angles '811) appear to teach a marketing attribute having the configuration and function recited

10   in Claims 18 and 19.

In the current rejection the Examiner further states

Kurtzman encompasses the claimed feature of the marketing attribute is further
configured to characterize the marketing object container as being configured to receive a
15   marketing object having a cross sell feature in the teaching of allowing ad selection to be
constrained by *ad impression limits and advertisement priorities based on revenue
optimization*," (emphasis in original).

However, as stated above teaching ad impression limits and advertisement priorities based on

20   revenue optimization does not appear to teach an attribute associated with a marketing object

container. Rather, the examples provided teach that characteristics external to an end user are

characteristics of an advertisement or advertised item. This teaches away from the assumptions

made by the Examiner. It is the Applicants position that ad impression limits and advertisement

priorities based on revenue optimization are characteristics of advertisements or advertised items,

25   that it is improper to characterize these examples as being examples of marketing attributes

associated with marketing object containers, much less automatically associated. Even if, for the

sake of argument, it were assumed that ad impression limits and advertisement priorities based

on revenue optimization were taught to be associated with marketing object containers, the

Applicants find no support for the suggestion that these characteristics imply a cross sell feature.

The Applicants, therefore, request that the Examiner clarify how ad impression limits and

advertisement priorities based on revenue optimization 1) teach a marketing attribute associated

5   with a marketing object container, 2) teach that the marketing attribute is configured to describe

what marketing objects can be received by the marketing object container, and 3) how ad

impression limits and advertisement priorities based on revenue optimization teaches that the

marketing attribute characterizes "the marketing object container as being configured to receive a

marketing object having a cross sell feature".

10   **Regarding Claims 20 and 21.**

Claim 20 recites:

20. The method of claim 1, further including selecting a marketing object for display in the
marketing object container, the selection being responsive to the marketing attribute.

15   Claim 21 recites:

21. The method of claim 20, wherein the selection is further responsive to a visitor attribute.

Regarding Claim 20: The Examiner has revised his previous rejection of Claim 20. In the

current rejection the Examiner admits "Dedrick does not explicitly teach selecting a marketing

20   object for display in the marketing object container, the selection being responsive to the

marketing attribute, nor the selection is further responsive to a visitor attribute." The Examiner

also states:

> Kurtzman teaches selecting a marketing object for display in the marketing object
> container, the selection being responsive to the marketing attribute (col. 3 line 57 – col. 4
> line 4), in the teaching *The ad server 100, including the ad exec program 101, in*
> *combination with the affinity framework 110, provides a flexible and efficient system for*
> *selecting the best-fit advertisement to show a user at the client 175. ... The ad selection*
> *is based partially on matching psychographic, demographic, geographic, sociographic,*
> *and other information about the individual to a set of possible advertisements. The ad*

server 100 also allows ad selection to be constrained by characteristics external to the
individual, such as ad impression limits and advertisement priorities based on revenue
optimization," (emphasis in original).

It is the Applicants' position that "[t]he ad server 100 also allows ad selection to be

constrained by characteristics external to the individual, such as ad impression limits and

advertisement priorities based on revenue optimization" does not teach a marketing attribute

characterizing (or associated with) a marketing object container. These characteristics may

characterize a particular advertisement or a particular item being offered for sale as suggested by

the examples provided. The Applicants, therefore, request that the Examiner allow Claim 20 and

Claim 21 which depends on Claim 20.

Regarding Claim 22:

Claim 22 recites:

22. *A method of providing an electronic marketing presentation, comprising:*
    renting out a marketing object container by a first party, wherein the marketing object
        container is presented in a web page associated with a second party, and the
        marketing object container is configured to be characterized by a marketing
        attribute;
    selecting the marketing attribute to characterize the marketing object container as having
        a campaign type;
    sending the selected marketing attribute for association with the marketing object
        container; and
    automatically associating the marketing attribute with the marketing object container.

On page 24 of the current rejection the Examiner states:

The publisher/advertiser 18 is also provided with software tools to create electronic
information in a wide variety of consumption formats that can be transmitted over the
system. These consumption formats include formats such as audio, video, graphics,
animation, text, etc. for example, an advertiser 18 may crate an advertisement for a
camera which describes the camera in both audio and video format (col. 4 lines 37-48),
which encompasses applicant's claimed aspect of *selecting the marketing attribute to*
characterize the marketing object container as having a campaign type. (Dedrick,
emphasis in original)

In response, the Applicants point out that the "audio, video, graphics, animation, and text taught by Dedrick are substantially different from the campaign type recited in Claim 22. For example, on pages 16-17 of specification as filed, examples of campaign types are provided. These examples include "Event Promotion, ... Holiday Promotion, ... New Product Introduction, ... and Theme Promotion. In addition, on both pages 19 and 20 of the specification, examples of campaigns are given as "a weekly promotion." It is the position of the Applicants that these examples of campaigns are distinctively different from the format types cited in <u>Dedrick</u> above. Format types do not teach campaign types as defined in the specification and recited in Claim 22. The Applicants, therefore, request that the Examiner provide support for the suggestion that format types teach campaign types, or allow Claim 22.

Regarding Claim 23 and 24:

Claim 23 recites:

23. The method of claim 22, wherein the campaign type is a promotion.

Claim 24 recites:

24. The method of claim 22, wherein the campaign type is an up sell, a sale, or a new product introduction.

On page 26 of the current office action the Examiner cites the publisher/advertiser 18 and variety of advertisement formats taught by Dedrick. As discussed above with regard to Claim 22, it is the Applicants' position that a variety of advertising formats does not teach the campaign types presented in the specification as filed. In Claims 23 and 24 these types are further limited to a promotion, an upsell, and a new product introduction. As with campaigns in general, the applicant is unable to find specific teachings of these types of campaigns in the cited art. The Applicants, therefore, request that the Examiner provide support for the suggestion that format types teach campaign types as cited in Claims 23 and 24, or allow Claims 23 and 24.

Regarding Claims 25, 26 and 27:

Claim 25 recites:

25. (Previously presented) A method of providing an electronic marketing presentation,
   comprising:
      renting out a first marketing object container of a first party, wherein the first marketing
         object container is presented in a web page associated with a second party, and
         the first marketing object container is configured to be characterized by a
         marketing attribute;
      selecting the marketing attribute to characterize the first marketing object container as
         having a relationship with a second marketing object container;
      sending the selected marketing attribute to be associated with the first marketing object
         container; and
      automatically associating the selected marketing attribute with the first marketing object
         container.

Claim 26 recites:

26. The method of claim 25, wherein the relationship between the first marketing object
   container and the second marketing object container includes a content detail feature or
   an item detail feature.

Claim 27 recites:

27. The method of claim 25, wherein the relationship between the first marketing object
   container and the second marketing object container includes a category list feature or a
   search results feature.

With regard to Claims 25-27 the Examiner states "Dedrick teaches: ... sending the

selected marketing attribute to by automatically associated with the marketing object container

(Abstract; col. 4 line 16 – col. 5 line 53; col. 16 lines 51-58), in the context of associating the

chosen attributes with the identified advertisements and allowing particular end users to view the

marketing object." However, the Applicants respectfully point out that in Claim 25 the

automatic association occurs between the *"marketing attribute"* and the *"marketing object*

container." This is in contrast with the cited art, which even the Examiner characterizes as

"associating the chosen attributes with the identified advertisements." As has previously been

pointed out, *"marketing object containers"* as recited in Claim 25 are clearly distinct from advertisements (an example of marketing objects). Therefore, teaching an association of attributes with advertisements does not teach associating attributes with marketing object containers.

5   On pages 29-30 of the current office action the Examiner further cites the Abstract of Dedrick and states "[t]his teaching encompasses automatically processing data to automatically provide advertisements to user." However, the Applicants are unable to find within this text automatic association of anything to a *"marketing object container,"* much less *"automatically associating the selected marketing attribute with the first marketing object container"* as recited

10   in Claim 25. It is the Applicants' position that automatically processing data to automatically provide advertisements, as the Examiner characterizes the cited teachings, is not sufficient to teach the particular associations recited in Claim 25 and other pending claims.

On page 30 of the current office action the Examiner again cites col. 4 lines 37-48 of Dedrick (which include the publisher/advertiser 18 and the various advertisement formats) and

15   states these teachings "encompasses applicant's claimed aspect of selecting the marketing attribute to characterize the first marketing object container as having a relationship with a second marketing object container." It is not clear to the Applicants how the cited text teaches the limitations suggested by the Examiner. There does not appear to be mention of a marketing object container within the cited text much less teaching of a relationship between two marketing

20   object containers, much less a relationship characterized by a marketing attribute as recited in Claim 25. Therefore, the Applicants respectfully request that the Examiner specifically point out which aspects of the cited art teach marketing object containers, which aspects of the cited art

teach a relationship between these marketing object containers and which aspect of the cited art

teach that this relationship is characterized by a marketing attribute.

On page 32 of the current office action the Examiner states:

> [t]he teaching of *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization* encompasses/infers the teaching of a marketing object container for holding the selected ad(s).

The Applicants disagree with this statement. An ad server may operate without the use of a

marketing object container. The Applicants request that the Examiner clarify the suggested

inference or allow Claim 25 and those claims dependent therefrom.

On page 33 of the current office action the Examiner suggests that the limitations of

Claim 26 are taught within col. 4 line 37 – col. 5 line 29 of Dedrick. However, the Applicants

are unable to find any teaching of a "content detail feature" or an "item detail feature," as recited

in Claim 26, within this text. The Applicants therefore request clarification or allowance of

Claim 26.

On page 33 of the current office action the Examiner suggests that the limitations of

Claim 27 are taught within col. 9 lines 49-65 of Dedrick. This text concerns a search system

which admittedly can be assumed includes search results. However, the Applicants are unable

to find, within this text, any teaching of a *"category list feature"* or a *"search results feature,"*

where these features are included in a *"relationship between the first marketing object container

and the second marketing object container"* as recited in Claim 26, The Applicants therefore

request clarification or allowance of Claim 27.

Regarding Claim 28:

Claim 28 recites:

28. (Currently Amended) A method of providing an electronic marketing presentation, comprising:

renting out a marketing object container of a first party, wherein the marketing object container is presented in a web page associated with a second party, and the

5

marketing object container is configured to be characterized by a marketing attribute;

selecting a marketing attribute to characterize the marketing object container as having a priority of a marketing object within the marketing object container;

sending the selected marketing attribute to be associated with the marketing object

10

container; and

automatically associating the marketing attribute with the marketing object container.

The Applicants believe that Claim 28 is allowable for at least the same reasons discussed

above with respect to Claims 1 and 6.

15
Further, on pages 33-34 of the current office action the Examiner states that "Kurtzman

does teach: the timing or priority of display of a marketing object (col. 2 lines 26-52)," and

"[a]nother event is when the ad exec program 101 must provide some advertisements to the web

server 160 prior to the completion of the processing by all of the engines. This can occur for

example, when the web server 160 has a particularly short time frame in which to serve a page to

20
the client 175. (col. 6 lines 49-54)." However, as amended Claim 28 now recites *"priority"*

rather than *"timing or priority."* It is the Applicants position that this amendment places Claim

28 in condition for allowance.

Regarding Claim 29:

Claim 29 recites:

25
29. (Currently Amended) The method of claim 28, wherein the selected marketing attribute is further configured to characterize timing of display of a marketing object within the marketing object container on a daily, weekly, or monthly basis..

Claim 29 is amended to distinguish timing as taught in the specification as filed from

30
timing required due to the performance limitations of various system elements as the Examiner

suggests is taught in the cited art.

Regarding Claims 30 and 31:

The Applicant believes that the arguments made above with respect to Claims 1, 22, 24

and 24 above also apply to Claims 30 and 31.

Regarding Claim 32:

5   Claim 32 recites:

32. The method of claim 30, further including selecting a style template responsive to the
marketing attribute, and identifying a visitor to the web page, after selecting the style
template.

10   In the previous response the Applicant argued, at pg 21-22, that

Claim 32 is dependent on Claim 30 and recites "further including selecting a style
template responsive to the marketing attribute, and identifying a visitor to the web page,
after selecting the style template." In rejecting this claim the Examiner cites (on page 19
[of the previous office action]) the publisher/advertiser 18 of Dedrick and Angles et al.
15   However, the publisher/advertiser 18 of Dedrick is a means for generating content in a
variety of formats and does not appear to use a *marketing attribute* to select a template, as
recited in Claim 32. The Examiner further states, on the bottom of page 19, "...Angles et
al. discloses the functionality that encompasses selecting a style template responsive to
the marketing attribute and identifying a visitor to the web page, after selecting the style
20   template (fig. 1 ...; col. 7 line 43 – col. 8 line 67)." However the Applicants are unable
to find any teachings of selecting a style template response to *any* type of attribute in the
cited materials. In addition, as has been pointed out above, Angles et al. does not teach
marketing attributes as specified in Claim 32.
Further, the Applicants are not able to find any teaching in Angles et al. that
25   could be interpreted to represent the *timing aspects* of Claim 32. Specifically,
Applicants are not able to find any teaching of "identifying a visitor to the web page,
after selecting the style template." The Applicants respectfully request that the
Examiner more precisely point out these teachings or allow Claim 32. In Claim 32 the
claimed marketing attribute is used before identification of a visitor. This would be
30   impossible if the marketing attribute were the user attribute of Dedrick, Angles et al. or
Kurtzman, II et al. because a user attribute would not be available until after the visitor
is identified. The methods taught by Dedrick, Angles et al. and Kurtzman, II et al. teach
away from using a marketing attribute prior to identification of a visitor.

35   In response to these arguments the Examiner revised the rejection and further stated

As identified in the above rejection in more than one location, Kurtzman states *The ad*
server 100, including the ad exec program 101, in combination with the affinity
framework 110, provides a flexible and efficient system for selecting the best-fit
advertisement to show a user at the client 175. In other embodiments, the ad server 100

can also be used in other types of applications other than advertising. For example, the ad server 100 can be used for job banks and educational applications, where dynamically generated information is being displayed. *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization.* (col. 3 line 57- col. 4 line 4). This teaching infers providing selections on the basis of *ad impression limits and advertisement priorities based on revenue optimization* that have no connectivity to the identity of the client, and that do not require identifying the visitor to a web page.

The Applicants traverse this statement. While ad impression limits and advertisement priorities are taught by Dedrick to be "external to the individual" this is not equivalent to teaching the specific temporal sequence recited in Claim 32. The mere feasibility of selecting an advertisement external to the individual is insufficient to imply that the cited art teaches identifying a visitor to the web page after electing the style template. Further, the examples of characteristics external to an individual that are provided include ad impression limits and advertisement priorities based on revenue optimization, neither of which appear to relate to style templates. For example, the Applicants are unaware of any benefit, much less teaching, of selecting a style template based on ad impression limits. Thus, the examples provided appear to be unrelated to style templates and the limitations of Claim 32.

Further, the Applicants are unable to find any teaching that would suggest that the characteristics "external to an individual" as taught by Dedrick include a temporal limitation with regard to their use.

Finally, as noted above and based on the examples provided, the characteristics "external to the individual" as taught in Dedrick do not appear to be characteristics that would be associated with a marketing object container.

It is, therefore, the Applicants' position that the Examiner's rejection is based on a series of assumptions, none of which meet the standard required for a rejection under §103(a). The Applicants, therefore, request that the Examiner allow Claim 32.

Regarding Claim 33:

5   The Applicants believe that Claim 33 is allowable for at least the same reasons as Claim 30 and Claims 23-24.

CONCLUSION

Based on the above amendments and remarks, Applicants respectfully request the entry

of the above amendments and submit that, as amended, all pending claims are in condition for

5   allowance. Thus, the claims of the present application are believed to be allowable based on

Applicants' above amendments and remarks. Upon entry of the above amendments and remarks,

Applicants submit that the application is in condition for allowance, and respectfully request the

issuance of a Notice of Allowability.

If the Examiner has any questions or would like to discuss this case, he is invited to

10   contact the Applicants' undersigned representative at the number given below.

                                        Respectfully submitted,

                                        Chun R. Xia et al.

15   Date: September 30, 2004   By:_____
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